Supreme Court, U. S.
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No. 80-41

In The

Supreme Court of the United States

October Term, 1980

PEOPLE OF THE STATE OF ILLINOIS, *et al.*
Petitioners,

v.

INTERSTATE COMMERCE COMMISSION, *et al.*,
Respondents.

REPLY BRIEF

TYRONE C. FAHNER
Attorney General of the
State of Illinois
228 North LaSalle Street
Chicago, Illinois 60601
Tel: 312/793-2877

HERCULES F. BOLOS, Spec.
Asst. Attorney General
GEORGE W. WOLFF, Assistant
Attorney General
REED W. NEUMAN, Assistant
Attorney General

JOHN D. DILLNER
223 East 142nd Street
Dolton, Illinois 60419

DALE A. ANDERSON
3344 Ridge Road
Lansing, Illinois 60438

RONALD BUIKEMA
16231 Wausau Avenue
South Holland, Illinois 60473

GORDON P. MacDOUGALL
(Counsel of record)
1120 19th Street, N.W.
Washington, D.C. 20036
(202)223-9738

Attorneys for Petitioners

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Petitioners submit this reply brief addressed to the contention of the Solicitor General that the I.C.C. found approval of the freight yard consolidation is not a major federal action within the meaning of National Environmental Policy Act of 1969 (USA Br., pp. 6-7):[1]

> "Moreover, in light of the Commission's unchallenged finding (Pet. App. 17a) that its approval of L&N's application is not a major federal action within the meaning of NEPA, this case is not a proper vehicle for the Court to define the Commission's environmental responsibilities in this area."

The I.C.C. made no such finding. An Environmental Impact Statement was prepared by the agency's en-

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[1]The order of the Court of Appeals is now reported at 622 F.2d 591.

vironmental staff in accordance with section 102(2)(C) of NEPA. 42 U.S.C. 4332. (Pet. App. 28a). The I.C.C.'s decision made its typical finding at the end that its decision "does not significantly affect the quality of the human environment." (Pet. App. 17a). But this finding does not track the words of NEPA, and was not intended to do so.

Respectfully submitted,

TYRONE C. FAHNER
Attorney General of the
State of Illinois
228 North LaSalle Street
Chicago, Illinois 60601
Tel: 312/793-2877

HERCULES F. BOLOS, Special
Assistant Attorney General
GEORGE W. WOLFF, Assistant
Attorney General
REED W. NEUMAN, Assistant
Attorney General

JOHN D. DILLNER
223 East 142nd Street
Dolton, Illinois 60419

DALE A. ANDERSON
3344 Ridge Road
Lansing, Illinois 60438

RONALD BUIKEMA
16231 Wausau Avenue
South Holland, Illinois 60473

GORDON P. MacDOUGALL
1120 19th Street, N.W.
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